

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Antonio Romero Williams,

Civ. No. 07-2033 (PAM/RLE)

Petitioner,

v.

ORDER

Robert Feneis,
Warden of Rush City,

Respondent.

The matter before the Court is Petitioner Anotonio Romero Williams' Motion for Court Order For Free Copy of Pro Se Memorandum of Law. In April 2007, Willaims filed a Habeas Corpus Petition accompanied by a lengthy Memorandum. In September 2007, Williams' Petition was dismissed without prejudice on the ground that it was filed prematurely.

Pursuant to 5 U.S.C. § 552, Williams now asks the Court for a free copy of the lengthy *pro se* Memorandum he submitted in April 2007. Williams explains that in a move between prisons, his legal papers were lost. He argues that the Memorandum is necessary because he is not otherwise able to fully assert his constitutional claims. For the following reasons, the Court denies the Motion.

ANALYSIS

The statutory provision Williams cites does not give the Court authority to provide a free copy of the Memorandum. Section 552 only governs agencies and the "courts of the United States" are excluded from the definition of an agency under the Act. 5 U.S.C.

§ 551(1)(B). Further, Williams has no action pending before this Court—his prior habeas petition is closed and he has not filed a new one. The Court is unable to find any authority permitting it to provide free copies.

In addition, there is little prejudice in denying Williams' Motion at this time because he should be able to file a habeas petition without the Memorandum. As a state court prisoner, Williams' petition must be based on arguments he has already made in the state court system. A memorandum is not required to accompany a habeas petition.

The Court recognizes that Williams may have a greater need for the Memorandum at a later date. If Williams is still in need of his Memorandum once an actual petition is pending, he may reassert his claim at that time with a more thorough explanation of the reasons the relief requested is necessary.

CONCLUSION

Accordingly, **IT IS HEREBY ORDERED** that Petitioner Antonio Romero Williams' Motion for Court Order for Free Copy of Pro Se Memorandum of Law (Docket No. 34) is **DENIED without prejudice**.

Dated: Wednesday, December 2, 2009

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge